



North Carolina Department of Health and Human Services
Division of Health Service Regulation

Pat McCrory
Governor

Aldona Z. Wos, M.D.
Ambassador (Ret.)
Secretary DHHS

Drexdal Pratt
Division Director

February 24, 2015

J. Michael Fields
Ward and Smith, P.A.
P.O. Box 8088
Greenville, NC 27835-8088

Exempt from Review – Acquisition of Facility

Facility: Surgical Eye Center
Type of Facility: Ambulatory Surgical Center
Acquisition by: Daviel Partners, LLC
County: Guilford
FID #: 923346

Dear Mr. Fields:

The Healthcare Planning and Certificate of Need Section, Division of Health Service Regulation (Agency) determined that based on your letter of February 14, 2015, the above referenced proposal is exempt from certificate of need review in accordance with G.S. 131E-184(a)(8). Therefore, Daviel Partners, LLC may proceed to acquire the above referenced health service facility without first obtaining a certificate of need. However, you need to contact the Agency's Acute and Home Care Licensure and Certification Section to obtain instructions for changing ownership of the existing facility. Note that pursuant to G.S. 131E-181(b): "*A recipient of a certificate of need, or any person who may subsequently acquire, in any manner whatsoever permitted by law, the service for which that certificate of need was issued, is required to materially comply with the representations made in its application for that certificate of need.*"

It should be noted that this Agency's position is based solely on the facts represented by you and that any change in facts as represented would require further consideration by this Agency and a separate determination. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

Celia C. Inman
Project Analyst

Martha J. Frisone,
Assistant Chief, Certificate of Need

cc: Chief, Acute and Home Care Licensure and Certification Section, DHHS
Assistant Chief, Healthcare Planning



Healthcare Planning and Certificate of Need Section

www.ncdhhs.gov

Telephone: 919-855-3873 • Fax: 919-733-8139

Location: Edgerton Building • 809 Ruggles Drive • Raleigh, NC 27603

Mailing Address: 2704 Mail Service Center • Raleigh, NC 27699-2704

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Received by
the CON Section
FEB 16 2015

J. MICHAEL FIELDS, Attorney at Law

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Greenville, NC 27835-8088
Overnight Delivery:
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Winterville, NC 28590

P: 252.215.4026
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jmf@wardandsmith.com

February 14, 2015

Via Overnight Delivery

Ms. Martha Frisone, Assistant Chief
Ms. Celia Inman, Project Analyst
Certificate of Need Section
NC Division of Health Service Regulation
809 Ruggles Drive
Raleigh, NC 27603

RE: Notice of Exempt Acquisition Pursuant to N.C. Gen. Stat. § 131E-184(a)(8)
Facility: The Greensboro Ophthalmology ASC, LLC (a/k/a Surgical Eye Center)
Type of Facility: Ambulatory Surgical Facility
Project Description: Daviel Partners, LLC to acquire 70% membership interest
County: Guilford
License No: AS0033
Our File 141433-00001

Dear Ms. Frisone and Ms. Inman:

This Firm represents Daviel Partners, LLC ("Daviel"). We are writing to provide notice pursuant to N.C. Gen. Stat. § 131E-184(a)(8) of Daviel's future acquisition from EMS Partners, LLC of its 70% membership interest in The Greensboro Ophthalmology ASC, LLC, an ambulatory surgical facility located at 3312 Battleground Avenue, Greensboro, NC 27410 (the "Facility").

The Facility is an existing "health service facility," as that term is defined under N.C. Gen. Stat. § 131E-176(9b). Pursuant to N.C. Gen. Stat. § 131E-184(a)(8), the acquisition of an existing health service facility is exempt from certificate of need review upon prior written notice to the CON Section. Daviel and the Facility will not develop or establish any new health service facility, nor will it offer, develop, or establish any new institutional health service that is not exempt under N.C. Gen. Stat. § 131E-184(a)(8) in connection with this transaction. Based on these facts, Daviel's acquisition of the 70% membership interest in the Facility is exempt from CON review upon the CON Section's receipt of this notice.

ASHEVILLE

GREENVILLE

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WILMINGTON

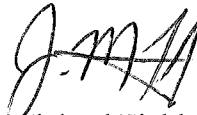
WARD AND SMITH, P.A.

Ms. Martha Frisone
Ms. Celia Inman
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We respectfully request that you respond to this letter and confirm that this transaction is exempt from CON review pursuant to N.C. Gen. Stat. § 131 E-184(a)(8).

Thank you for your assistance in this matter. Please do not hesitate to contact us if you have any questions.

Yours very truly,

A handwritten signature in black ink, appearing to read "J. Michael Fields". The signature is stylized and somewhat cursive.

J. Michael Fields